

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARK MAGI, *et al.*,

Plaintiffs,

v.

WILLIAM RICH, *et al.*,

Defendants.

Civil Action No. 20-8881 (ZNQ) (RLS)

ORDER

THIS MATTER comes before the Court upon separate Motions to Dismiss filed by Third-Party Defendants Sea Insure Agency (ECF No. 44) and Markel American Insurance Company (ECF No. 51), as well a Cross-Motion for Leave to Amend the Complaint filed by Third-Party Plaintiff William Rich (ECF No. 47). For the reasons set forth in the accompanying Opinion,

IT IS on this **31st** day of **January 2023**,

ORDERED that Third-Party Plaintiff William Rich's Cross-Motion for Leave to Amend the Complaint (ECF No. 47) is hereby **GRANTED**; and it is further

ORDERED that the Motion to Dismiss filed by Sea Insure Agency (ECF No. 44) is hereby **GRANTED IN PART and DENIED IN PART** as follows:

- the Motion is hereby **GRANTED** as to Rich's claim for breach of contract against SIA (Count III), and that claim is hereby **DISMISSED WITH PREJUDICE**;
- the Motion is hereby **DENIED** as to Rich's claim for equitable estoppel against SIA (Count V);
- the Motion is hereby **GRANTED** as to Rich's claim for professional malpractice against SIA (Count VI), and that claim is hereby **DISMISSED WITHOUT PREJUDICE**;

- the Motion is hereby GRANTED as to Rich's claim for fraud against SIA (Count VII), and that claim is hereby DISMISSED WITHOUT PREJUDICE; and it is further

ORDERED that the Motion to Dismiss filed by Markel American Insurance (ECF No. 51) is hereby **GRANTED IN PART and DENIED IN PART** as follows:

- the Motion is hereby GRANTED as to Rich's claim for breach of contract against Markel (Count II) and that claim is hereby DISMISSED WITHOUT PREJUDICE; and it is further
- the Motion is hereby DENIED as to Rich's claim for estoppel against Markel (Count V); and it is further

ORDERED that Third-Party Plaintiff Rich is hereby **GRANTED** leave to file a final, Third Amended Third Party Complaint by no later than **February 14, 2023** (limited in scope to addressing the deficiencies identified in the accompanying Opinion); in the alternative, should Rich not wish to further amend his Complaint, he shall file a Second Amended Third Party Complaint consistent with the accompanying Opinion by no later than **February 14, 2023**.

s/ Zahid N. Quraishi
ZAHID N. QURAISHI
UNITED STATES DISTRICT JUDGE